

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Administrative Issuance: CFSA-07-06

TO: All-staff

FROM: Ronnie Charles, Senior Deputy for Administration

DATE: July 30, 2007

RE: Confidential Statement of Employment and Financial Interest (Form-35)

The purpose of this issuance is to identify the process that will be followed by CFSA employees in completing and reviewing all submitted Confidential Statements of Employment and Financial Interest. This issuance supports DC Personnel Regulations.

Every year, each District employee who performs policy making, contracting, or purchasing functions, or whose job functions require him or her to make meaningful decisions concerning private organizations must submit an annual Confidential Statement of Employment and Financial Interest (Form 35) and any supplementary statements.

General Procedures

No CFSA employee shall do the following if it conflicts or would appear to conflict with the employee's fair, impartial, and objective performance of her or his officially assigned duties and responsibilities:

1. engage in outside employment;
2. engage in private business activity; or
3. have any direct or indirect financial interest.

Note: *The Confidential Statement of Employment and Financial Interest is not the same as the Financial Disclosure Statement (OCF 62) used by the D. C. Office of Campaign and Finance. Some employees will be required to complete both forms, but others only one of the forms.*

4. An employee of CFSA shall at all times avoid acquiring a financial interest that could result in, or take an action that would result in, a conflict of interest or the appearance thereof.
5. The following CFSA employees shall submit the Confidential Statement of Employment and Financial Interest and provide supplementary reports:
 - a. all supervisors, managers and administrators;
 - b. all monitors, licensors and sanitarians in the Licensing and Monitoring Administration;
 - c. all professional staff in the Office of Volunteer Services;
 - d. all planning and policy specialists in the Office of Policy, Planning and Program Support;
 - e. all compliance officers, cost/price analysts and contract specialists in the Contracts and Procurement Administration;

- f. Employees in the following Administrations: FACES, OCP, Facilities, HRA; and
 - g. All other employees who perform:
 - i. Policy-making functions;
 - ii. Contracting functions;
 - iii. Purchasing functions; or
 - iv. Functions in which meaningful decisions are made respecting private organizations.
6. Each designated employee shall provide all information pertaining to employment and financial interests including the names and addresses of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions in any of the following circumstances:
- a. with which he or she is connected as an employee, officer, owner, director, member, trustee, partner, advisor, or consultant;
 - b. in which he or she has a continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or
 - c. in which he or she has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangement, including trusts;
 - d. the position held in the organization (employee, officer, owner, director, member, trustee, partner, advisor, or consultant); and
 - e. the nature of the financial interest, that is, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association, or through the ownership of stock, stock options, bonds, securities, or other arrangement, including trusts (§1813.22).
7. A volunteer whose assignment, as determined by the Agency, is comparable to a position identified in paragraph 5g above may be required annually to submit the Confidential Statement of Employment and Financial Interest and provide any supplementary statements.

Submission of Confidential Statement of Employment and Financial Interest

- 1. Before April 15 of each year, the Human Resources Administration, with the assistance of the CFSA Ethics Counselor, shall prepare a list of employees who are required to submit a Confidential Statement of Employment and Financial Interest in accordance with paragraph 2 above.
- 2. Before April 15 of each year, the CFSA Ethics Counselor shall send an announcement by e-mail to all employees advising them of the requirement of District law that certain employees must submit a Confidential Statement of Employment and Financial Interest. The announcement will include that if an employee is not notified of the need to submit the Confidential Statement of Employment and Financial Interest, and believes that he or she is required to submit the form, the employee should notify his or her supervisor and the CFSA Ethics Counselor immediately.
- 3. Before April 15 of each year, the Human Resources Administration shall notify in writing each employee who is required to submit a Confidential Statement of Employment and Financial Interest:
 - a. That the employee is required to submit a Confidential Statement of Employment and Financial Interest; and
 - b. Of the requirements of paragraphs 5, 8, and 9 below.
- 4. Before April 30 of each year, the Human Resources Administration shall provide the list required by paragraph 3 above, including employees' name, position, and grade level, to the DC Ethics Counselor.

5. If an employee believes that he or she should not be required to submit the Confidential Statement of Employment and Financial Interest, the employee may request a review by the CFSA Ethics Counselor. The request for review shall:
 - a. be in writing;
 - b. set out the reason(s) why the employee believes that she or he does not perform policy-making functions, contracting functions, purchasing functions, or functions in which meaningful decisions are made respecting private organizations; and
 - c. be submitted to the CFSA Ethics Counselor within 10 business days of the notice required by paragraph 3 above.
6. The CFSA Ethics Counselor shall review the designation and determine whether the employee should be required to submit the Confidential Statement of Employment and Financial Interest.
7. The CFSA Ethics Counselor shall advise the employee, the employee's supervisor and the Human Resources Administration in writing of the decision within 15 calendar days of receipt of the request.
8. If the CFSA Ethics Counselor determines that the employee is required to submit the Confidential Statement of Employment and Financial Interest, the employee may appeal that decision to the DC Ethics Counselor. The appeal must be filed, in writing, within 15 calendar days of receipt of the notice of denial.

Note: The current DC Ethics Counselor is Thorn Pozen [thorn.pozen@dc.gov] and he can be reached at (202) 727-0872. As established by DC Personnel Regulation §1813.8, the DC Ethics Counselor's decision is final.

9. The employee shall not be required to submit the Confidential Statement of Employment and Financial Interest pending review by the CFSA Ethics Counselor or a decision by the DC Ethics Counselor.
10. Failure or refusal to file the Confidential Statement of Employment and Financial Interest within 10 business days of receipt of the CFSA or DC Ethics Counselor's decision is grounds for adverse action.

Note: If the employee then does not file the statement, see Procedure 10 above, Failure to File the Confidential Statement of Employment and Financial Interest.

11. All employees shall follow the instructions set forth in DC Personnel Regulation § 1813, Reporting of Financial Interest, for directions in completing the Confidential Statement of Employment and Financial Interest. Any employee may contact the CFSA Ethics Counselor or the DC Ethics Counselor for additional assistance.
12. The employee shall sign and date the Confidential Statement of Employment and Financial Interest. The employee's signature certifies that:
 - a. The employee has received and read the instructions and prohibitions concerning conflicts or interest as they relate to her or his position.
 - b. To the best of the employee's knowledge and belief, the employee has no outside employment or other business interest other than the interests specifically listed and identified in the statement.
 - c. The statements the employee provided are true, complete, and correct to the best of the employee's knowledge and belief.

13. An employee identified in General Procedures 2 above, page 1 shall submit the completed Confidential Statement of Employment and Financial Interest to his or her supervisor within thirty (30) calendar days of its receipt or before May 15 of each year, whichever occurs first.
14. If an employee is appointed, transferred, promoted or detailed to a position not identified in DC Personnel regulations §1813.2 (See item # 2, Page 1), the employee will not be required to submit an annual Confidential Statement of Employment and Financial Interest.

Review of Confidential Statement of Employment and Financial Interest

1. The supervisor shall review the statement within two (2) business days of receipt and determine whether the form is:
 - a. incomplete;
 - b. completed and no further review is needed; or
 - c. completed and further review is needed.
2. The Confidential Statement of Employment and Financial Interest is **incomplete** if:
 - a. it uses "N/A" instead of "none;"
 - b. part I, II, III or IV is not answered; or
 - c. part VI is not signed and dated.

Note: DC Personnel Regulations §1813.28 requires the use of "none" as applicable. By using N/A, the employee is not stating that there is no information but that N/A would answer specific sections as not relevant. However, that is a decision that cannot be made by the employee, but, rather, by the supervisor and, as appropriate, the CFSA or DC Ethics Counselor.

3. If the Confidential Statement of Employment and Financial Interest are incomplete, the supervisor shall return the form to the employee and direct the employee to complete and return the form within five (5) business days.
4. If the Confidential Statement of Employment and Financial Interest are not returned completed within five (5) business days, the supervisor immediately shall notify the CFSA Ethics Counselor in writing.
5. The CFSA Ethics Counselor immediately shall notify the employee in writing to submit the completed form within five (5) business days. The notice shall include the statement that failure or refusal to file the Confidential Statement of Employment and Financial Interest is grounds for adverse action.
6. The Confidential Statement of Employment and Financial Interest is complete and requires no further review if:
 - a. All responses are "none"; or
 - b. All responses are either "none" or provide information that is not required to be listed.

Review Process

1. The Confidential Statement of Employment and Financial Interest shall be reviewed by the supervisor to determine whether the statement indicates any outside employment, private business activity or any direct or indirect financial interest that conflicts or would appear to conflict with the employee's fair, impartial, and objective performance of her or his officially assigned duties and responsibilities.
2. On request of the supervisor, the CFSA Ethics Counselor shall assist the supervisor in reviewing the statement.

3. In reviewing the Form 35 and determining whether the Confidential Statement of Employment and Financial Interest indicates any conflicts or potential conflicts, the supervisor shall consider factors including, but not limited to:
 - a. the number of businesses and organizations listed in Part I of the Form;
 - b. whether any of the businesses and organizations listed in Part I do business with CFSA;
 - c. the numbers of creditors, and the character of the indebtedness listed in Part II;
 - d. whether any of the entities listed in Part II do business with CFSA;
 - e. the locations of the real property listed in Part III;
 - f. whether any of the real property is involved in any CFSA business;
 - g. whether any entity listed in Parts I, II or III do business with the District;
 - h. the nature of the employee's position; and
 - i. the amount of authority the employee has to make decisions or determine policy.
4. In making this determination, the interest of a member of the employee's immediate household shall be considered to be the employee's interest.
5. If the supervisor concludes that there is a conflict or potential conflict, in accordance with §1813.33, the supervisor may reassign the matter in the event of a conflict of interest or the appearance of a conflict of interest when, in the discretion of the supervisor, a reassignment is warranted under the circumstances. This notification shall be in addition to the requirements established in §1805.3.
6. Before June 15 of each year the Human Resources Administration shall notify the DC Ethics Counselor whether any designated employee has not filed the statement and forward a list of such employees to the D.C. Ethics Counselor.

Maintenance of Complete Confidential Statement of Employment and Financial Interest

1. Following completion of the review process, the supervisor shall provide the original statements to the Human Resources Administration before June 15 of each year.
2. The Human Resources Administration shall maintain the original statements in a strictest confidence and in a limited access file. The statements shall be maintained for five (5) years, and then shredded.
3. To enable supervisor to identify any conflict on interest that may arise, the supervisor shall maintain a copy of the statement in strictest confidence and in a locked drawer in her or his office to which only the supervisor has access. The statements shall be maintained for one (1) year, and then shredded.
4. The Confidential Statement of Employment and Financial Interest shall be considered an official personnel record.
5. The statement maintained by the supervisor may only be made available to the employee, supervisor, supervisor's supervisor and CFSA Ethics Counselor for the purpose of responding to a possible conflict of interests.
6. The statement maintained by the Human Resources Department may be made available only as authorized by Chapter 31 of the DC Personnel Regulations.

**ATTACHMENT A:
DEFINITIONS**

1. **Adverse Action** - Such actions are based upon misconduct, unacceptable performance, or a combination of both.
2. **CFSA** - The District of Columbia Child and Family Services Agency.
3. **Day** - Business day, which is Monday through Friday, excluding days in which District government is closed.
4. **DC Ethics Counselor** - The individual is the official designated pursuant to D.C. Official Code 1-618.03 (a) (2001) and shall be an employee of the District of Columbia. The Mayor has designated the Corporation Counsel as the Ethics Counselor for the District of Columbia through the issuance of Mayor's Order 82-136 (July 7, 1982). The Corporation Counsel has the authority to re-delegate this responsibility. The D.C. Ethics Counselor is the person responsible for the following:
 - a. advising agency heads and ethics counselors with respect to their obligations and responsibilities established in Chapter 18 of the DC Personnel Regulations;
 - b. coordinating the activities of agency ethics counselors appointed established in §1811.2; and
 - c. coordinating and enforcing the financial disclosure system established in §1813.
5. **Employee** - An individual employed by the District of Columbia Government who receives compensation and is subject to D.C. Official Code 1-601.01 *et seq.* (2001).
6. **CFSA Ethics Counselor** - The person appointed by CFSA to be its ethics counselor in accordance with §1811.2 and shall be responsible for the following:
 - a. Advising agency employees with respect to their obligations established in Chapter 18 of DC Personnel Regulations;
 - b. Maintaining copies of all laws, regulations, orders, and advisory opinions with respect to ethical conduct and financial disclosure which are applicable to agency employees; and
 - c. Advising the agency head with regard to the designation of agency employees required to file statements of financial interests established in §1813.
7. **Form 35** - The Confidential Statement of Employment and Financial Interest.
8. **Immediate Household** - Consists of the employee's spouse and blood relations who are full-time residents of the employee's household, and the employee's minor children, irrespective of residence (§1899.1).
9. **Statement** - The Confidential Statement of Employment and Financial Interest and any supplemental statement.
10. **Supervisor** - The individual who supervises an employee or a volunteer who is required to report financial interests.
11. **Volunteer** - A person who provides services to CFSA without compensation established in DC Personnel Regulations, Utilization of Voluntary Services § 4000.